

### **Remarks**

This Amendment is responsive to the non-final Office Action mailed September 2, 2004. In this Office Action, the Restriction Requirement issued on June 10, 2004 was made final, and thus, claims 7, 28 and 30-37 were withdrawn from consideration pursuant to Applicant's election with traverse of Group I, Species III filed on July 12, 2004. With respect to the elected group and species, claims 1-5, 8-27 and 29 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-12 of U.S. Patent No. 6,377,868 and claims 1-15 and 24-34 of U.S. Patent No. 6,697,706. Additionally, claims 1-6, 8-27 and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,694,323 (Koropitzer) and claim 6 was further rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to distinctly claim the subject matter of the invention.

As a result of this Amendment, claim 14 is hereby canceled and no claims have been added. Therefore, claims 1-37 are now pending, of which claims 7, 28 and 30-37 are withdrawn from consideration. Also, claims 1, 6, 8-10, 15-17, 21 and 22-23 are hereby amended as depicted in the Listing of the Claims, above. Reconsideration of the application is respectfully requested in light of the above amendments and in consideration of the following remarks.

A. Double Patenting Rejections

Terminal disclaimers in compliance with 37 C.F.R. §1.321(c) are filed herewith to overcome the double patenting rejections of claims 1-5, 8-27 and 29 over claims 1-12 of U.S. Patent No. 6,377,868 and claims 1-15 and 24-34 of U.S. Patent No. 6,697,706.

B. Claim Rejections - 35 U.S.C §112

Claim 6 is hereby amended in response to the aforementioned 35 U.S.C. §112 rejection.

C. Claim Rejections in view of the Koropitzer Reference

The present invention, as recited in claims 1 and 21, is generally directed to a system for monitoring operations associated with a cleaning system operable to perform cleaning processes at a first physical location. The system includes a monitor module, a database and an analysis application. The monitor module detects information regarding operation of the cleaning system and supplies this information to the database. The detected information is then stored in the database in association with corporate data and an account identifier corresponding to customer



account associated with the cleaning system. The analysis application analyzes the detected information in relation to the corporate data to thereby characterize operation of the cleaning system.

Claims 1 and 21 are hereby amended to explicitly recite the detected information as being “usage information” that relates to usage of a product by the cleaning system in order to perform cleaning processes. As amended, each of these independent claims therefore require the detection of information pertaining to the usage of some sort of product that is used by the cleaning system in the performance of cleaning processes. Exemplary products include chemical products and natural resources, such as, for example, water and energy.

In contrast, Koropitzer is directed to monitoring the amount of revenue generated by and the repair history for remote laundromats having laundry machines. Koropitzer teaches that monitoring cash collections can lead to various types of analyses regarding the financial aspect of operating laundromat and that monitoring repair history can indicate whether a malfunctioned machine has been repaired. But, Koropitzer fails to teach monitoring any activity concerned with the actual utilization of products by a laundry machine to perform a cleaning process. Indeed, Koropitzer is completely silent as to the collection of any form of data relating, either directly or indirectly, to the “usage” of a product of any kind in performance of cleaning processes. Koropitzer can not, as a matter of law, anticipate the present invention, as recited in amended claims 1 and 21.

In support of the outstanding rejection to claim 17, the Office Action states on page 6 that the “Koropitzer ‘323 system also monitors the amount of detergent being dispensed at the dispensing machine,” but fails to provide a citation in Koropitzer to such a teaching. Applicant respectfully submits that this assertion is unfounded as there is no such teaching in Koropitzer. Indeed, the only context in which an “amount” of anything is being monitored in Koropitzer is with respect to money and service time. There is absolutely no teaching in Koropitzer relative to the usage of detergent, nor is there any suggestion that monitoring such usage would even be applicable to the teachings therein.

In light of the foregoing remarks, amended claims 1 and 21 are believed to recite the present invention in a manner distinguishable from the teachings of Koropitzer. As such, these claims are believed allowable over Koropitzer and prompt allowance is respectfully requested.



Claims 2-6 and 8-20 depend from claim 1 and claims 22-27 and 29 depend from claim 21 and, therefore, these claims each include all of the limitations of claims 1 and 21 described above. As such, claims 2-6 and 8-20, 22-27 and 29 are believed allowable for at least the same reasons as claims 1 and 21 and prompt allowance of these claims is also respectfully requested.

In addition, dependent claims 9, 10, 16, 17 and 22 further distinguish the present invention from the teachings of Koropitzer by defining the usage data to be related to an explicit product. For example, the usage information is explicitly recited in dependent claims 9 and 22 as being related to usage of a natural resource (e.g., water and energy) by the cleaning system in the performance of cleaning processes. Likewise, claims 10 and 22 define the product of which the usage is monitored as being energy and claim 16 defines this product as being water. Dependent claim 17 similarly recites the usage information as being related to the usage of a chemical product by the cleaning system.



### Conclusion

This Amendment fully responds to the Office Action mailed on September 2, 2004. Still, the Office Action may contain other arguments and rejections and that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument to have merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. Because this Amendment is being filed after December 2, 2004, but on January 3, 2005 (note: January 2, 2004 occurred on a Sunday), enclosed herewith is a petition for a one-month extension of time under 37 C.F.R. §1.136(a) as well as a check in the amount of \$120.00 in order to maintain pendency of this application. Also enclosed is a check to cover the fees required for filing the terminal disclaimers pursuant to 37 C.F.R. §1.321(a)(4). No other fees are believed due for submission of this Amendment. However, if this is not the case, please charge any such fees to Deposit Account No. 13-2725. Alternatively, please credit any overpayment to Deposit Account No. 13-2725.

Dated: January 3, 2004

Respectfully submitted,



David D. Wier, Attorney Reg. No. 48,229  
MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, MN 55402-0903  
(303) 357-1647